

**Department of Personnel Administration  
Memorandum**

**TO: Personnel Management Liaisons (PML)**

<b>SUBJECT:</b> Military Leave – California National Guard	<b>REFERENCE NUMBER:</b> 2004-061
<b>DATE ISSUED:</b> 11/16/04	<b>SUPERSEDES:</b>

This memorandum should be forwarded to:

**Personnel Officers  
Personnel Transactions Supervisors**

**FROM:** Department of Personnel Administration  
Policy and Operations Division

**CONTACT:** Personnel Services Branch  
(916) 323-3343  
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This memorandum advises you of a change in the interpretation of Government Code 19773 that affects State employees who are members of the California National Guard. This interpretation applies only to California National Guard members.

Employees who have been called to active military service on or after September 11, 2001, in support of the "War on Terrorism" may be entitled to additional compensation. [PML 2003-006](#) explains GC 19773, which defined Emergency Military Leave as follows:

- The Governor has proclaimed a State of Emergency.
- The active duty order is governed by Military and Veterans Code Sections 143 or 146.
- The order is for one or more situations as contained in Section 146 of the Military and Veterans Code.

In order to receive Emergency Military Leave compensation, State employees were required to produce specific military leave orders with an authorization pursuant to the California Military and Veterans Code (CMVC) 143 or 146.

Based on a recent inquiry, the Department of Personnel Administration received a copy of the Governor's General Order Number 01-01, issued to the Military Department authorizing call-up of the National Guard in support of the "War on Terrorism." We have determined that the Governor's General Order meets the requirements of GC 19773 as an event pursuant to Section 146 of the CMVC. Section 146(b) of the CMVC provides Emergency Military Leave upon call or requisition of the President of the United States.

We request that you provide the information above to your employees who have been called to military service on or after September 11, 2001, in support of the "War on Terrorism" to ensure proper payment has been received.

The following is provided to assist you in determining whether an employee is due additional compensation for his/her Emergency Military Leave of absence:

If a National Guard member received active military duty orders on or after September 11, 2001, in support of the "War on Terrorism" the member is entitled to receive 30 calendar days of Emergency Military Leave pay pursuant to GC 19775.1. ***This 30 calendar days of pay is in addition to any military leave order with pay received prior to September 11, 2001. However, the Guard member is only entitled to receive a maximum payment of 30 calendar days per any one set of orders.*** Each Emergency Military Leave is defined as a specific instance. Although there may be breaks in active duty served, all service related to the same instance is considered as one emergency call-up. Unlike Long-Term or Short-Term Military Leave, where the employee must have one year of State service or a combination of State service and military service to qualify for the 30 calendar days of compensation, a National Guard member who is called to Emergency Military Leave does not have to fulfill a State service requirement for his/her 30 calendar days of compensation.

If payroll adjustments are required for an employee who did not already receive a full 30 calendar days' compensation for his/her Emergency Military Leave, submit STD. 674(s) for each pay period. Additionally, the effective date of the S51 transaction will require a correction to reflect an effective date as of the close of business on the 30<sup>th</sup> calendar day. If the employee called to active duty in support of the "War on Terrorism" was already paid a full 30 calendar days of Emergency Military Leave, no further action is necessary.

All payroll-processing questions and documentation should be addressed to Pam Keegan with SCO at (916) 323-2539.

For policy interpretation questions related to military leave, your headquarters' personnel office staff should contact our Personnel Service Branch at the telephone number or e-mail address listed on the front page.

/s/Jerri Judd

Jerri Judd, Manager  
Personnel Services Branch